

BENJAMIN McCULLOCH.

[To accompany bill H. R. No. 229.]

MARCH 5, 1840.

Mr. CHITTENDEN, from the Committee on Invalid Pensions, made the following

REPORT:

The Committee on Invalid Pensions, to whom was referred the petition of Benjamin McCulloch, report :

That, from the evidence offered in this case, which is full and properly authenticated, it appears that Benjamin McCulloch was an enlisted soldier in the late war with Great Britain, to serve for five years; that he served in William McIlvin's detachment of the 14th regiment of infantry for nineteen months and five days; that, during that time, he was in several engagements, particularly at the battle of York, under General Pike, and of Chippewa plains; that, at the battle of Beaver Dams, he was taken prisoner and carried to Halifax; that, while there in prison, his sufferings and privations were great; upon his return home he was afflicted with fits, which is proven by one who knew of his enlistment and suffered with him in prison. Physician's certificates prove that he has since lost the use of speech, and is now in a state of total debility in consequence of paralysis.

John Wilson, who raised the said petitioner, and knew him from the time he was a child, says he went into the army a sound and healthy young man, and also testifies to his present state of wretchedness and total destitution.

A letter from the Hon. Mr. Turner says he has known the applicant from the time he was a boy; that he believes the facts set forth in his application to be strictly true; that he is well acquainted with the persons who have memorialized Congress in behalf of the petitioner; that they are persons of high respectability.

Although this case bears strong marks of likeness to many of those which the committee have rejected upon the ground of a want of a necessary or resulting connexion between the disease complained of and those which are peculiarly incident to a state of military service, yet, when the committee take into the account the length of the service in this case, the fact that the petitioner was actually discharged before his term of service had expired—which must be presumed to have been done in consequence of injuries received, rendering him unfit for service—and, more than all, that as he was incarcerated in the prisons of Halifax, and from his present mental alienation, and the difficulty of the proofs that his sufferings there were the cause of his present disability; the committee, knowing the severity practised upon prisoners in the late war with Great Britain, are willing to consider his present disability as growing out of an imprisonment consequent to the service of his country, and ask leave to report a bill.

BENJAMIN MCCULLOCH.
[To accompany bill H. R. No. 225.]

MARCH 5, 1840.

Mr. CHITTENDEN, from the Committee on Invalid Pensions, made the following

REPORT:

The Committee on Invalid Pensions, to whom was referred the petition of Benjamin McCulloch, report:

That from the evidence offered in this case, which is full and properly authenticated, it appears that Benjamin McCulloch was an enlisted soldier in the late war with Great Britain, to serve for five years; that he served in William McVinn's detachment of the 14th regiment of infantry for nine months and five days; that during that time he was in several engagements, particularly at the battle of York under General Pike and at Chippewa plains; that at the battle of Beaver Dams he was taken prisoner and carried to Halifax; that while there in prison, his sufferings and privations were great; upon his return home he was afflicted with his, which is proven by one who knew of his enlistment and suffered with him in prison. Physicians' certificates prove that he has since lost the use of speech, and is now in a state of total debility in consequence of paralytic John Wilson, who raised the said petitioner, and knew him from the time he was a child, says he went into the army a sound and healthy young man, and also testifies to his present state of wretchedness and total debility. A letter from the Hon. Mr. Turner says he has known the applicant from the time he was a boy; that he believes the facts set forth in his application to be strictly true; that he is well acquainted with the persons who have memorialized Congress in behalf of the petitioner; that they are persons of high respectability.

Although this case bears strong marks of likeness to many of those which the committee have rejected upon the ground of a want of a necessary or resulting connection between the disease complained of and those which are peculiarly incident to a state of military service, yet when the committee take into the account the length of the service in this case, the fact that the petitioner was actually discharged before his term of service had expired— which must be presumed to have been done in consequence of injuries received, rendering him unfit for service—and more than all, that as he was incarcerated in the prisons of Halifax and from his present mental alienation, and the difficulty of the proofs that his sufferings have been the cause of his present disability; the committee, knowing the severity practised upon prisoners in the late war with Great Britain, are willing to consider his present disability as growing out of an imprisonment consequent to the service of his country, and ask leave to report a bill.